



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

HD:hd  
Docket No: 04704-00  
17 November 2000

CDR [REDACTED] SNR RET  
[REDACTED]

Dear Commander [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested that your records be reviewed and you be "considered for a well deserved promotion" to captain.

As a matter of information, your naval record reflects no documentation showing you held a commission in the Regular Navy.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 21 September 2000, a copy of which is attached. The Board also considered your letter dated 28 October 2000 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board agreed with the statement, in paragraph 3 of the advisory opinion, that "The letter of discharge...should not have been a factor in [your] failure of selection for promotion to the rank of captain because it was not in [your] record." Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

4704-00

5420  
PERS-911  
21 Sep 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
CD [REDACTED] JSNR (RE [REDACTED])

Ref: (a) BCNR memo 5420 PERS-OOZCB of 11 Sep 00

Encl: (1) BCNR File No. 04704-00

1. Per reference (a), enclosure (1) is returned with the recommendation that [REDACTED] petition be denied.
2. [REDACTED] record shows that he began service in the Navy during World War II. In 1945 he was released from active duty into the Naval Reserve where he remained inactive until 1948. In 1948 he began to actively participate in the Naval Reserve and continued his active participation until 1961. Included in his participation is service as Commanding Officer of VP-836 from 1956 through 1959. During the period 1961 to 1963 CDR [REDACTED] did not actively participate in the Naval Reserve. From 1963 to 1966 he returned to active participation and was assigned to a Naval Reserve Officer School unit. In 1968, he was transferred to the Inactive Status List and in 1973 was transferred to the Retired Reserve per his request. In 1979, he turned age 60 and began receiving retired pay as a commander.
3. Unfortunately [REDACTED] record makes no mention of the letter of notification of pending discharge, which he refers to in his petition. His record reflects continuous status since 1942 to date. If such a letter was given to [REDACTED] when it was done in error and it did not become a part of his official record. The letter of discharge, if it existed, should not have been a factor in his failure of selection for promotion to the rank of captain because it was not in his record.
4. Comparing an officer's record of performance with peers who were promoted to the next higher rank is always difficult,

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IGO  
[REDACTED] USNR (RET [REDACTED])

because no two officers have the exact same career path or record. Speculating on promotion board deliberations, which occurred 41 years ago, is fruitless. Board deliberations are never divulged and the record of deliberations is always destroyed. The only thing we can say for certain is, based on [REDACTED] record, he was not considered best qualified and was therefore not among those officers recommended for promotion to the grade of captain.

5. [REDACTED] can be justifiably proud of his dedication and devotion to duty during World War II and while serving as a member of the Naval Reserve. Our Country is indebted to him for his years of honorable service during a period of major conflict, during the Cold War, and as a retired member of the Naval Reserve.

[REDACTED]

Director, Naval Reserve Personnel  
Administration Division